

of this title and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), the Secretary of the department in which the Coast Guard is operating, in consultation with the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, and the Administrator of the Environmental Protection Agency, shall consult with—

(i) the heads of State agencies responsible for implementing State boating laws; and

(ii) the heads of other enforcement agencies that regulate boaters or commercial fishermen.

#### (b) Citizen Pollution Patrols

The Secretary of Commerce, along with the Administrator of the Environmental Protection Agency and the Secretary of the Department in which the Coast Guard is operating, shall conduct a program to encourage the formation of volunteer groups, to be designated as “Citizen Pollution Patrols”, to assist in monitoring, reporting, cleanup, and prevention of ocean and shoreline pollution.

(Pub. L. 100-220, title II, § 2204, Dec. 29, 1987, 101 Stat. 1466; Pub. L. 104-324, title VIII, § 802(c), Oct. 19, 1996, 110 Stat. 3945.)

#### REFERENCES IN TEXT

This Act and this title, referred to in subsec. (a)(1)(E), (2)(C), probably should all be “this title” meaning title II of Pub. L. 100-220, Dec. 29, 1987, 101 Stat. 1460, as amended, known as the Marine Plastic Pollution Research and Control Act of 1987. For complete classification of title II to the Code, see Short Title of 1987 Amendment note set out under section 1901 of this title and Tables.

The Act to Prevent Pollution from Ships, referred to in subsec. (a)(1)(E), (2)(C), is Pub. L. 96-478, Oct. 21, 1980, 94 Stat. 2297, as amended, which is classified principally to this chapter (§1901 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1901 of this title and Tables.

#### CODIFICATION

Section was formerly set out as a note under section 6981 of Title 42, The Public Health and Welfare.

Section was enacted as part of the Marine Plastic Pollution Research and Control Act of 1987 and as part of the United States-Japan Fishery Agreement Approval Act of 1987, and not as part of the Act to Prevent Pollution from Ships which comprises this chapter.

#### AMENDMENTS

1996—Subsec. (a)(1). Pub. L. 104-324, § 802(c)(1)–(4), struck out “for a period of at least 3 years,” after “conduct” in introductory provisions and added subpar. (E).

Subsec. (a)(2). Pub. L. 104-324, § 802(c)(5), added par. (2) and struck out heading and text of former par. (2). Text read as follows: “A public outreach program under paragraph (1) may include—

“(A) workshops with interested groups;

“(B) public service announcements;

“(C) distribution of leaflets and posters; and

“(D) any other means appropriate to educating the public.”

#### TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections

468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

### CHAPTER 33A—MARINE DEBRIS RESEARCH, PREVENTION, AND REDUCTION

Sec.

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#### § 1951. Purposes

The purposes of this chapter are—

(1) to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety;

(2) to reactivate the Interagency Marine Debris Coordinating Committee; and

(3) to develop a Federal marine debris information clearinghouse.

(Pub. L. 109-449, § 2, Dec. 22, 2006, 120 Stat. 3333.)

#### REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 109-449, Dec. 22, 2006, 120 Stat. 3333, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

#### SHORT TITLE

Pub. L. 109-449, § 1, Dec. 22, 2006, 120 Stat. 3333, provided that: “This Act [enacting this chapter and amending section 1914 of this title] may be cited as the ‘Marine Debris Research, Prevention, and Reduction Act’.”

### § 1952. NOAA Marine Debris Prevention and Removal Program

#### (a) Establishment of Program

There is established, within the National Oceanic and Atmospheric Administration, a Marine Debris Prevention and Removal Program to reduce and prevent the occurrence and adverse impacts of marine debris on the marine environment and navigation safety.

#### (b) Program components

The Administrator, acting through the Program and subject to the availability of appropriations, shall carry out the following activities:

##### (1) Mapping, identification, impact assessment, removal, and prevention

The Administrator shall, in consultation with relevant Federal agencies, undertake marine debris mapping, identification, impact assessment, prevention, and removal efforts, with a focus on marine debris posing a threat to living marine resources and navigation safety, including—

(A) the establishment of a process, building on existing information sources maintained by Federal agencies such as the Envi-

ronmental Protection Agency and the Coast Guard, for cataloguing and maintaining an inventory of marine debris and its impacts found in the navigable waters of the United States and the United States exclusive economic zone, including location, material, size, age, and origin, and impacts on habitat, living marine resources, human health, and navigation safety;

(B) measures to identify the origin, location, and projected movement of marine debris within United States navigable waters, the United States exclusive economic zone, and the high seas, including the use of oceanographic, atmospheric, satellite, and remote sensing data; and

(C) development and implementation of strategies, methods, priorities, and a plan for preventing and removing marine debris from United States navigable waters and within the United States exclusive economic zone, including development of local or regional protocols for removal of derelict fishing gear and other marine debris.

**(2) Reducing and preventing loss of gear**

The Administrator shall improve efforts to reduce adverse impacts of lost and discarded fishing gear on living marine resources and navigation safety, including—

(A) research and development of alternatives to gear posing threats to the marine environment, and methods for marking gear used in specific fisheries to enhance the tracking, recovery, and identification of lost and discarded gear; and

(B) development of effective nonregulatory measures and incentives to cooperatively reduce the volume of lost and discarded fishing gear and to aid in its recovery.

**(3) Outreach**

The Administrator shall undertake outreach and education of the public and other stakeholders, such as the fishing industry, fishing gear manufacturers, and other marine-dependent industries, and the plastic and waste management industries, on sources of marine debris, threats associated with marine debris and approaches to identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigational safety, including outreach and education activities through public-private initiatives. The Administrator shall coordinate outreach and education activities under this paragraph with any outreach programs conducted under section 1915 of this title.

**(c) Grants, cooperative agreements, and contracts**

**(1) In general**

The Administrator, acting through the Program, shall enter into cooperative agreements and contracts and provide financial assistance in the form of grants for projects to accomplish the purpose set forth in section 1951(1) of this title.

**(2) Grant cost sharing requirement**

**(A) In general**

Except as provided in subparagraph (B), Federal funds for any grant under this sec-

tion may not exceed 50 percent of the total cost of such project. For purposes of this subparagraph, the non-Federal share of project costs may be provided by in-kind contributions and other noncash support.

**(B) Waiver**

The Administrator may waive all or part of the matching requirement under subparagraph (A) if the Administrator determines that no reasonable means are available through which applicants can meet the matching requirement and the probable benefit of such project outweighs the public interest in such matching requirement.

**(3) Amounts paid and services rendered under consent**

**(A) Consent decrees and orders**

If authorized by the Administrator or the Attorney General, as appropriate, the non-Federal share of the cost of a project carried out under this chapter may include money paid pursuant to, or the value of any in-kind service performed under, an administrative order on consent or judicial consent decree that will remove or prevent marine debris.

**(B) Other decrees and orders**

The non-Federal share of the cost of a project carried out under this chapter may not include any money paid pursuant to, or the value of any in-kind service performed under, any other administrative order or court order.

**(4) Eligibility**

Any State, local, or tribal government whose activities affect research or regulation of marine debris, and any institution of higher education, nonprofit organization, or commercial organization with expertise in a field related to marine debris, is eligible to submit to the Administrator a marine debris proposal under the grant program.

**(5) Grant criteria and guidelines**

Within 180 days after December 22, 2006, the Administrator shall promulgate necessary guidelines for implementation of the grant program, including development of criteria and priorities for grants. In developing those guidelines, the Administrator shall consult with—

(A) the Interagency Committee;

(B) regional fishery management councils established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

(C) State, regional, and local governmental entities with marine debris experience;

(D) marine-dependent industries; and

(E) nongovernmental organizations involved in marine debris research, prevention, or removal activities.

**(6) Project review and approval**

The Administrator shall—

(A) review each marine debris project proposal to determine if it meets the grant criteria and supports the goals of this chapter;

(B) after considering any written comments and recommendations based on the

review, approve or disapprove the proposal; and

(C) provide notification of that approval or disapproval to the person who submitted the proposal.

#### (7) Project reporting

Each grantee under this section shall provide periodic reports as required by the Administrator. Each report shall include all information required by the Administrator for evaluating the progress and success in meeting its stated goals, and impact of the grant activities on the marine debris problem.

(Pub. L. 109-449, §3, Dec. 22, 2006, 120 Stat. 3333.)

#### REFERENCES IN TEXT

This chapter, referred to in subsec. (c)(3), (6)(A), was in the original “this Act”, meaning Pub. L. 109-449, Dec. 22, 2006, 120 Stat. 3333, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1951 of this title and Tables.

The Magnuson-Stevens Fishery Conservation and Management Act, referred to in subsec. (c)(5)(B), is Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, which is classified principally to chapter 38 (§1801 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of Title 16 and Tables.

### § 1953. Coast Guard program

#### (a) Strategy

The Commandant of the Coast Guard, in consultation with the Interagency Committee, shall—

(1) take actions to reduce violations of and improve implementation of MARPOL Annex V and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) with respect to the discard of plastics and other garbage from vessels;

(2) take actions to cost-effectively monitor and enforce compliance with MARPOL Annex V and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), including through cooperation and coordination with other Federal and State enforcement programs;

(3) take actions to improve compliance with requirements under MARPOL Annex V and section 6 of the Act to Prevent Pollution from Ships (33 U.S.C. 1905) that all United States ports and terminals maintain and monitor the adequacy of receptacles for the disposal of plastics and other garbage, including through promoting voluntary government-industry partnerships;

(4) develop and implement a plan, in coordination with industry and recreational boaters, to improve ship-board waste management, including recordkeeping, and access to waste reception facilities for ship-board waste;

(5) take actions to improve international cooperation to reduce marine debris; and

(6) establish a voluntary reporting program for commercial vessel operators and recreational boaters to report incidents of damage to vessels and disruption of navigation caused by marine debris, and observed violations of laws and regulations relating to the disposal of plastics and other marine debris.

#### (b) Report

Not later than 180 days after December 22, 2006, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report evaluating the Coast Guard’s progress in implementing subsection (a).

#### (c) External evaluation and recommendations on Annex V

##### (1) In general

The Commandant of the Coast Guard shall enter into an arrangement with the National Research Council under which the National Research Council shall submit, by not later than 18 months after December 22, 2006, and in consultation with the Commandant and the Interagency Committee, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a comprehensive report on the effectiveness of international and national measures to prevent and reduce marine debris and its impact.

##### (2) Contents

The report required under paragraph (1) shall include—

(A) an evaluation of international and domestic implementation of MARPOL Annex V and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) and recommendations of cost-effective actions to improve implementation and compliance with such measures to reduce impacts of marine debris;

(B) recommendation of additional Federal or international actions, including changes to international and domestic law or regulations, needed to further reduce the impacts of marine debris; and

(C) evaluation of the role of floating fish aggregation devices in the generation of marine debris and existing legal mechanisms to reduce impacts of such debris, focusing on impacts in the Western Pacific and Central Pacific regions.

(Pub. L. 109-449, §4, Dec. 22, 2006, 120 Stat. 3335.)

#### REFERENCES IN TEXT

The Act to Prevent Pollution from Ships, referred to in subsecs. (a)(1), (2) and (c)(2)(A), is Pub. L. 96-478, Oct. 21, 1980, 94 Stat. 2297, which is classified principally to chapter 33 (§1901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1901 of this title and Tables.

### § 1954. Interagency coordination

#### (a) Omitted

#### (b) Definition of marine debris

The Administrator and the Commandant of the Coast Guard, in consultation with the Interagency Committee established under subsection (a),<sup>1</sup> shall jointly develop and promulgate

<sup>1</sup> See Codification note below.

through regulations a definition of the term “marine debris” for purposes of this chapter.

**(c) Reports**

**(1) Interagency report on marine debris impacts and strategies**

**(A) In general**

Not later than 12 months after December 22, 2006, the Interagency Committee, through the chairperson, shall complete and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Resources of the House of Representatives a report that—

- (i) identifies<sup>2</sup> sources of marine debris;
- (ii) the ecological and economic impact of marine debris;
- (iii) alternatives for reducing, mitigating, preventing, and controlling the harmful affects of marine debris;
- (iv) the social and economic costs and benefits of such alternatives; and
- (v) recommendations to reduce marine debris both domestically and internationally.

**(B) Recommendations**

The report shall provide strategies and recommendations on—

- (i) establishing priority areas for action to address leading problems relating to marine debris;
- (ii) developing strategies and approaches to prevent, reduce, remove, and dispose of marine debris, including through private-public partnerships;
- (iii) establishing effective and coordinated education and outreach activities; and
- (iv) ensuring Federal cooperation with, and assistance to, the coastal States (as that term is defined in section 1453 of title 16), Indian tribes, and local governments in the identification, determination of sources, prevention, reduction, management, mitigation, and control of marine debris and its adverse impacts.

**(2) Annual progress reports**

Not later than 3 years after December 22, 2006, and biennially thereafter, the Interagency Committee, through the chairperson, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Resources of the House of Representatives a report that evaluates United States and international progress in meeting the purpose of this chapter. The report shall include—

- (A) the status of implementation of any recommendations and strategies of the Interagency Committee and analysis of their effectiveness;
- (B) a summary of the marine debris inventory to be maintained by the National Oceanic and Atmospheric Administration;

(C) a review of the National Oceanic and Atmospheric Administration program authorized by section 1952 of this title, including projects funded and accomplishments relating to reduction and prevention of marine debris;

(D) a review of Coast Guard programs and accomplishments relating to marine debris removal, including enforcement and compliance with MARPOL requirements; and

(E) estimated Federal and non-Federal funding provided for marine debris and recommendations for priority funding needs.

(Pub. L. 109-449, § 5, Dec. 22, 2006, 120 Stat. 3337.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (b) and (c)(2), was in the original “this Act”, meaning Pub. L. 109-449, Dec. 22, 2006, 120 Stat. 3333, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1951 of this title and Tables.

CODIFICATION

Section is comprised of section 5 of Pub. L. 109-449. Subsec. (a) of section 5 of Pub. L. 109-449 amended section 1914 of this title.

CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

**§ 1955. Federal information clearinghouse**

The Administrator, in coordination with the Interagency Committee, shall—

(1) maintain a Federal information clearinghouse on marine debris that will be available to researchers and other interested persons to improve marine debris source identification, data sharing, and monitoring efforts through collaborative research and open sharing of data; and

(2) take the necessary steps to ensure the confidentiality of such information (especially proprietary information), for any information required by the Administrator to be submitted by the fishing industry under this section.

(Pub. L. 109-449, § 6, Dec. 22, 2006, 120 Stat. 3338.)

**§ 1956. Definitions**

In this chapter:

**(1) Administrator**

The term “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration.

**(2) Interagency Committee**

The term “Interagency Committee” means the Interagency Marine Debris Coordinating Committee established under section 1914 of this title.

**(3) United States exclusive economic zone**

The term “United States exclusive economic zone” means the zone established by Presidential Proclamation Numbered 5030, dated March 10, 1983, including the ocean waters of the areas referred to as “eastern special areas” in article 3(1) of the Agreement be-

<sup>2</sup>So in original. The word “identifies” probably should follow “a report that”.

tween the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990.

**(4) MARPOL; Annex V; Convention**

The terms “MARPOL”, “Annex V”, and “Convention” have the meaning given those terms under section 1901(a) of this title.

**(5) Navigable waters**

The term “navigable waters” means waters of the United States, including the territorial sea.

**(6) Territorial sea**

The term “territorial sea” means the waters of the United States referred to in Presidential Proclamation No. 5928, dated December 27, 1988.

**(7) Program**

The term “Program” means the Marine Debris Prevention and Removal Program established under section 1952 of this title.

**(8) State**

The term “State” means—

(A) any State of the United States that is impacted by marine debris within its seaward or Great Lakes boundaries;

(B) the District of Columbia;

(C) American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands; and

(D) any other territory or possession of the United States, or separate sovereign in free association with the United States, that is impacted by marine debris within its seaward boundaries.

(Pub. L. 109-449, § 7, Dec. 22, 2006, 120 Stat. 3338.)

**REFERENCES IN TEXT**

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 109-449, Dec. 22, 2006, 120 Stat. 3333, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1951 of this title and Tables.

Presidential Proclamation Numbered 5030, referred to in par. (3), is set out as a note under section 1453 of Title 16, Conservation.

Presidential Proclamation No. 5928, referred to in par. (6), is set out as a note under section 1331 of Title 43, Public Lands.

**§ 1957. Relationship to Outer Continental Shelf Lands Act**

Nothing in this chapter supersedes, or limits the authority of the Secretary of the Interior under, the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(Pub. L. 109-449, § 8, Dec. 22, 2006, 120 Stat. 3339.)

**REFERENCES IN TEXT**

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 109-449, Dec. 22, 2006, 120 Stat. 3333, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1951 of this title and Tables.

The Outer Continental Shelf Lands Act, referred to in text, is act Aug. 7, 1953, ch. 345, 67 Stat. 462, which is classified generally to subchapter III (§1331 et seq.) of chapter 29 of Title 43, Public Lands. For complete clas-

sification of this Act to the Code, see Short Title note set out under section 1331 of Title 43 and Tables.

**§ 1958. Authorization of appropriations**

There are authorized to be appropriated for each fiscal year 2006 through 2010—

(1) to the Administrator for carrying out sections 1952 and 1955 of this title, \$10,000,000, of which no more than 10 percent may be for administrative costs; and

(2) to the Secretary of the Department in which the Coast Guard is operating, for the use of the Commandant of the Coast Guard in carrying out section 1953 of this title, \$2,000,000, of which no more than 10 percent may be used for administrative costs.

(Pub. L. 109-449, § 9, Dec. 22, 2006, 120 Stat. 3339.)

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